



General Assembly

February Session, 2002

***Raised Bill No. 5518***

LCO No. 1508

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING WITNESS FEES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 52-143 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2002*):

4 (d) Subpoenas for witnesses summoned by the state, including  
5 [those] subpoenas issued by any attorney employed by the Office of  
6 the Attorney General, [or an assistant attorney general, or by any  
7 public defender or assistant public defender acting in his] the Division  
8 of Public Defender Services or the Division of Criminal Justice, or by  
9 any attorney appointed or designated under subsection (d) of section  
10 16-50n, section 51-285 or subsection (a) of section 51-293, acting in the  
11 attorney's official capacity, may contain [this] the following statement:  
12 "Notice to the person summoned: Your statutory fees as witness will  
13 be paid by the clerk of the court where you are summoned to appear, if  
14 you give the clerk this subpoena on the day you appear. If you do not  
15 appear in court on the day and at the time stated, or on the day and at  
16 the time to which your appearance may have been postponed or  
17 continued by order of an officer of the court, the court may order that

18 you be arrested."

19 Sec. 2. Section 52-260 of the general statutes, as amended by section  
20 1 of public act 01-32, section 4 of public act 01-84 and section 7 of  
21 public act 01-186, is repealed and the following is substituted in lieu  
22 thereof (*Effective October 1, 2002*):

23 (a) [The] Except as otherwise provided in this section or in sections  
24 54-82i, as amended by this act, and 54-152, the fees of a witness [for  
25 attendance] summoned to appear before any court [,] in any civil or  
26 criminal proceeding, before the General Assembly or any committee  
27 thereof [, when summoned by the state,] or before any legal authority  
28 [.] shall be [fifty cents] (1) for attendance, five dollars a day, and (2) for  
29 travel to the place of trial, [except as provided in section 54-152, shall  
30 be] the same amount per mile as provided for state employees  
31 pursuant to section 5-141c. Whenever a garnishee is required to appear  
32 before any court, such garnishee shall receive the same fees as a  
33 witness [in a civil action] and be paid in the same manner. The  
34 summoning party shall pay the fee of a witness at the time of service of  
35 the summons to appear, except that if the witness is summoned by the  
36 state, including by any attorney employed by the Office of the  
37 Attorney General, the Division of Public Defender Services or the  
38 Division of Criminal Justice, or by any attorney appointed or  
39 designated under subsection (d) of section 16-50n, section 51-285 or  
40 subsection (a) of section 51-293, acting in the attorney's official  
41 capacity, the clerk of the Superior Court, upon request, shall, on the  
42 day of attendance, pay the fee of [any witness summoned by the state  
43 to appear before the court] such witness, unless the witness has been  
44 paid in accordance with section 54-82i, as amended by this act, or 54-  
45 152.

46 (b) When any regular or supernumerary [policeman] police officer  
47 or any regular, volunteer or substitute [fireman] firefighter of any  
48 town, city or borough is summoned to testify in any criminal  
49 proceeding pending before the Superior Court or the Department of

50 Consumer Protection and the [policeman or fireman] police officer or  
51 firefighter receives no compensation from the town, city or borough by  
52 which [he] such police officer or firefighter is employed for the time [so  
53 spent by him, the policeman or fireman] spent testifying, the police  
54 officer or firefighter shall be allowed and paid by the summoning  
55 party forty dollars, together with [the mileage allowed by law to  
56 witnesses in criminal cases, for each day he] mileage in the same  
57 amount per mile as provided for state employees pursuant to section  
58 5-141c, for each day that the police officer or firefighter is required to  
59 attend the proceedings.

60 (c) When any regular or supernumerary [policeman] police officer  
61 or any regular or substitute [fireman] firefighter is summoned to  
62 testify in [his capacity as a policeman or fireman] such police officer's  
63 or firefighter's professional capacity in any court in a civil action and  
64 the [policeman or fireman] police officer or firefighter receives no  
65 compensation from the municipality by which [he] the police officer or  
66 firefighter is employed for the time [he is] spent in attendance at court,  
67 there shall be allowed and paid by the summoning party to the  
68 [policeman or fireman] police officer or firefighter a witness fee of forty  
69 dollars, together with [the mileage allowed by law to witnesses in  
70 criminal cases, for each day he] mileage in the same amount per mile  
71 as provided for state employees pursuant to section 5-141c, for each  
72 day that the police officer or firefighter is required to attend court. If  
73 the [policeman or fireman] police officer or firefighter testifies in any  
74 such proceeding or civil action on a vacation day or compensatory day  
75 off, [he] the police officer or firefighter shall be paid by the summoning  
76 party the sum of forty dollars, together with [the mileage allowed by  
77 law] mileage in the same amount per mile as provided for state  
78 employees pursuant to section 5-141c, notwithstanding the fact that  
79 [he] the police officer or firefighter is receiving compensation for such  
80 day from the town, city or borough by which [he] the police officer or  
81 firefighter is employed.

82 (d) The amounts paid under subsections (b) and (c) of this section

83 shall be taxed as a part of the costs, and shall be in lieu of all other  
84 witness fees payable to such [policeman or fireman] police officer or  
85 firefighter.

86 (e) When any person is confined in a community correctional center  
87 upon the allegation of the state's attorney that [he] such person will be  
88 a material witness in a pending criminal proceeding, [he shall receive,  
89 in addition to his legal fees as a witness] such person shall be paid by  
90 the clerk of the Superior Court, in addition to any other witness fees,  
91 two dollars for each day that [he] such person is so confined.

92 (f) When any practitioner of the healing arts, as defined in section  
93 20-1, dentist, registered nurse, advanced practice registered nurse or  
94 licensed practical nurse, as defined in section 20-87a, or real estate  
95 appraiser gives expert testimony in any action or proceeding,  
96 including by means of a deposition, the court shall determine a  
97 reasonable fee to be paid to such practitioner of the healing arts,  
98 dentist, registered nurse, advanced practice registered nurse, licensed  
99 practical nurse or real estate appraiser and taxed as part of the costs in  
100 lieu of all other witness fees payable to such practitioner of the healing  
101 arts, dentist, registered nurse, advanced practice registered nurse,  
102 licensed practical nurse or real estate appraiser.

103 (g) When any public accountant licensed under chapter 389 is  
104 subpoenaed by any party, other than the state, to testify in [his  
105 capacity as a public accountant] such public accountant's professional  
106 capacity in any action or proceeding, the court shall determine a  
107 reasonable fee to be paid to the public accountant and such fee shall be  
108 paid by the party issuing such subpoena.

109 Sec. 3. Subsection (c) of section 54-82i of the general statutes, as  
110 amended by section 11 of public act 01-186, is repealed and the  
111 following is substituted in lieu thereof (*Effective October 1, 2002*):

112 (c) If a person in any state, which by its laws has made provision for  
113 commanding persons within its borders to attend and testify in

114 criminal prosecutions or in grand jury investigations commenced or  
 115 about to commence in this state, is a material witness in a prosecution  
 116 pending in a court of record in this state, or in a grand jury  
 117 investigation which has commenced or is about to commence, a judge  
 118 of such court may issue a certificate under the seal of the court, stating  
 119 such facts and specifying the number of days the witness will be  
 120 required. Such certificate may include a recommendation that the  
 121 witness be taken into immediate custody and delivered to an officer of  
 122 this state to assure the attendance of the witness in this state. Such  
 123 certificate shall be presented to a judge of a court of record in the  
 124 judicial district in which the witness is found. If the witness is  
 125 summoned to attend and testify in this state, the witness shall be  
 126 tendered by the summoning party the same amount per mile as  
 127 provided for state employees pursuant to section 5-141c for each mile  
 128 by the ordinary traveled route to and from the court where the  
 129 prosecution is pending, [and] five dollars for each day that such  
 130 witness is required to travel and attend as a witness and, when  
 131 summoned by the Chief State's Attorney, expenses in accordance with  
 132 section 54-152. A witness who has appeared in accordance with the  
 133 provisions of the summons shall not be required to remain within this  
 134 state a longer period of time than the period mentioned in the  
 135 certificate, unless otherwise ordered by the court. If such witness, after  
 136 coming into this state, fails, without good cause, to attend and testify  
 137 as directed in the summons, the witness shall be punished in the  
 138 manner provided for the punishment of any witness who disobeys a  
 139 summons issued from a court of record in this state.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>

***Statement of Purpose:***

To implement the recommendations of the Connecticut Law Revision Commission concerning the payment of witness fees.

***[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]***